

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

October 27, 2003

ILYA RAVKIN, SIMON GOLDBARD,
WILLIAM C. HYUN and MICHAEL Z. ZAROWITZ

Our File - VAI 301B

Serial No. : 09/694,077

Group Art Unit 1627

Filed : October 19, 2000

Examiner Jon D. Epperson

For : CHEMICAL-LIBRARY COMPOSITION AND METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

PETITION PURSUANT TO 37 C.F.R. § 1.181

Applicants submit this Petition Pursuant to 37 C.F.R. § 1.181 for reinstatement of the application and resetting the time period within which applicants may respond to the Restriction Requirement dated November 11, 2002.

On September 9, 2002 applicants submitted the attached Response to Restriction Requirement (Exhibit A). On July 10, 2003, applicant's attorney, Pierre Van Rysselberghe, contacted Examiner Jon Epperson to inquire about the status of the above-identified patent application because applicants had not received any further communication from the Patent Office. The Examiner informed applicants' attorney that a supplemental restriction requirement was supposedly mailed out on November 11, 2002. Applicants were apparently given a one month shortened statutory period to respond to the supplemental restriction requirement. Applicants' attorney informed the Examiner that his office never received the supplemental restriction requirement. To date, applicants still have not received any official Office action, communication, or notice of any kind in response to applicants' paper filed on September 9, 2002.

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Applicant's attorney hereby states that the official supplemental restriction requirement dated November 11, 2002 was never received. We conducted a thorough search of the file, office, office records and database, and did not find any Office action. Attached hereto as Exhibit B is a copy of our firm's docket record for the above-identified application which begins January 3, 2001 and ends July 10, 2003. There is no entry in November 2002, or any other time, indicating receipt of the supplemental restriction requirement mailed by the Patent Office.

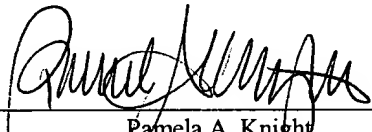
Accordingly, applicants hereby request reinstatement of the above-identified application and resetting the time period for which applicants may respond to the Restriction Requirement. Enclosed is our check in the amount of \$130.00 covering the petition fee as required by 37 C.F.R. § 1.17(h). Please credit any overpayment or charge any required fees to our Deposit Account No. 11-1540. A duplicate of this sheet is enclosed.

Please contact applicants' undersigned attorney if anything further is required.

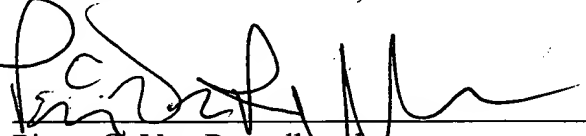
Respectfully submitted,

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on October 27, 2003.


Pamela A. Knight
Date of Signature: October 27, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

September 9, 2002

ILYA RAVKIN, SIMON GOLDBARD,
WILLIAM C. HYUN and MICHAEL A. ZAROWITZ

Serial No. : 09/694,077

Group Art Unit 1627

Filed : October 19, 2000

Examiner Jon D. Epperson

For : CHEMICAL-LIBRARY COMPOSITION AND METHOD

Box FEE AMENDMENT
Commissioner for Patents
Washington, D.C. 20231

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT
DATED MAY 7, 2002 AND PRELIMINARY AMENDMENT**

RESPONSE

In response to the Restriction Requirement dated May 7, 2002, applicants elect for prosecution Group I which consists of claims 1-7, 18 and 20.

PRELIMINARY AMENDMENT

Please preliminarily amend the claims as follows:

Please cancel claims 2 and 7.

Please amend claims 1, 3 and 6 as follows:

1. (Amended) A chemical-library composition comprising
 - (a) a plurality of coded carriers, each having a code formed by a plurality of spatial code positions and one of a plurality of optically detectable indicia at each code

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position, so that each carrier is a member of a carrier class identified by a distinct code, and

(b) each of at least two of the carrier classes being attached to different chemical compounds or cell populations that can be identified by the code on the respective class of carriers,

wherein each of said carriers includes separate layers or bundled fibers, the layers or bundled fibers having colors that at least partially define the code.

3. (Amended) The composition of claim 1, wherein each carrier is a cylinder of stacked layers.

6. (Amended) The composition of claim 1, wherein the different compounds in the composition are selected from the group consisting of peptides, oligopeptides, and proteins.

Please add the following new claims:

--31. The composition of claim 1, wherein the separate layers or bundled fibers are made of glass.

32. The composition of claim 1, wherein the separate layers or bundled fibers are made of plastic.

33. The composition of claim 1, wherein the different cell populations each include one or more cells.--

Applicants have attached a separate, marked-up version of the amended claims, showing changes relative to the previous version, in accordance with 37 C.F.R. § 1.121.

REMARKS

In response to the Restriction Requirement mailed on May 7, 2002, applicants elect, without traverse, Group I. Further, applicants have amended the elected claims to clarify features of the invention.

Regarding the election of species requirement of paragraph 9 of the Office action, applicants elect coded carriers formed at least partially by differently colored layers or bundled fibers in which the colors of the layers at least partially define the code. Applicants elect cells as the substance attached to the carrier and identified by the code. Applicants elect glass for the composition of layers.

Please proceed with examination of the application in view of applicants' response to the pending restriction requirement. Please call applicants' attorney if there are any additional questions or issues to address.

CERTIFICATE OF MAILING


Respectfully submitted,

I hereby certify that the attached correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box FEE AMENDMENT, Commissioner for Patents, Washington, D.C. on September 9, 2002.


Pamela A. Knight

Date of Signature: September 9, 2002

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PATENT TRADEMARK OFFICE

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

The claims have been amended as follows (material to be inserted is in **bold and underlined**, material to be deleted is in ~~[brackets and strikeout]~~):

1. (Amended) A chemical-library composition comprising

~~[(e)]~~ **(a) a plurality of coded carriers, each having a code formed by a plurality of** ~~[N>1]~~ spatial code positions and one **of a plurality** of ~~[M>2]~~ optically detectable indicia at each code position, so that each carrier **is a member of a carrier class identified by a distinct code,** ~~[can be optically identified by one of up to M^N different code combinations, each of said $M>2$ indicia being a different color,]~~ and

~~[(d) a different known chemical compound carried on each different combination carrier.]~~

(b) each of at least two of the carrier classes being attached to different chemical compounds or cell populations that can be identified by the code on the respective class of carriers,

wherein each of said carriers includes separate layers or bundled fibers, the layers or bundled fibers having colors that at least partially define the code.

3. (Amended) The composition of claim 1 [2], wherein each carrier is a cylinder of stacked layers~~[- where the cylinder diameters are in the 1 to 200 micron range].~~

6. (Amended) The composition of claim 1, wherein the different compounds in the composition are selected from the group consisting of peptides, oligopeptides, and proteins[, ~~having one or more known identifiable characteristics~~].

Docket Nbr	Entered On	Att A	Att B	Decod0	Exhibit B	Debt0	Dedat0	Decod1
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259156	01/03/2001	PVR	JRA	APFI	Application filed		10/19/2000	FILR Receiv
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nse to restriction requirement due	06/07/2002	01/01/0050
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LINE-Response to Restriction Requirement	11/07/2002	09/09/2002
LINE-Response to Restr Require. (+1mo.)	07/07/2002	01/01/0050
LINE-Response to Restr Require. (+2mo.)	08/07/2002	01/01/0050
LINE-Response to Restr Require. (+3mo.)	09/07/2002	01/01/0050
LINE-Response to Restr Require. (+4mo.)	10/07/2002	01/01/0050
LINE-Response to Restr Require. 11/7/02	10/24/2002	01/01/0050
LINE-Response to Restr Require. 11/7/02	11/06/2002	01/01/0050
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Docket Nbr	Entered On	Att A	Att B	Decod0	Debt0	Debt0	Decod1	
434740	06/24/2003	PVR	JRA	dr	per docket report	06/23/2003	nc	Disclo:
435499	06/25/2003	PVR	JRA	dr	per docket report	06/25/2003	nc	Disclo:
436115	06/27/2003	PVR	JRA	dr	per docket report	06/27/2003	nc	Disclo:
436454	07/01/2003	PVR	JRA	dr	per docket report	06/30/2003	nc	Disclo:
438555	07/10/2003	PVR	JRA	dr	per docket report	07/09/2003	nc	Receiv

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